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10/051,342	01/18/2002	Kenneth A. Parulski	84002F-P	8690

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EXAMINER
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ART UNIT	PAPER NUMBER
3673	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-44* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20-43 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

Application Publication Number 2002/0007340 to Isaf et al.

Isaf et al. disclose a method for ordering products over a communication network from a

plurality of network connected merchants (20) via a network connected order terminal

(paragraph 80), the order terminal associated with one of a plurality of business entities (26) each

having a predefined business relationship (UPF) with the plurality of merchants, the method

comprising the steps of maintaining relationship data indicating a ranking of the predefined

business relationships in a database coupled to the communication network (paragraph 81), and

presenting to a user an order screen on the order terminal including primary purchasing

information for ordering a product from one of the plurality of network connected merchants, the

primary purchasing information being modified in response to a ranking of a predefined business

relationship between the one of the plurality of business entities and the one of the plurality

of network connected merchants (paragraph 84), as in claim 20.

Isaf et al. also disclose the step of presenting to a second user an order screen on a second order terminal associated with a second one of the plurality of business entities including secondary purchasing information for ordering the product from the one of the plurality of network connected merchants, the secondary purchasing information being different from the primary purchasing information in response to a different ranking of a predefined business relationship between the second business entity and the one of the plurality of network connected merchants (paragraph 84; as the passage refers to the buyer in the plural form, it is inherent that the same actions would take place as well as the second buyer having a different ranking then the first buyer), as in claim 21, and the step of modifying the purchasing information to include at least a merchant having a highest rank predefined business relationship with the one of the plurality of business entities (paragraph 84; depended on the limiting factors), as in claim 22, as well as the step of modifying the purchasing information to include a lower price for the product from another network connected merchant having a higher ranking of its predefined business relationship with the one of the plurality of business entities than the one of the plurality of network connected merchants (paragraph 84; depended on the limiting factors), as in claim 23.

Isaf et al. further disclose the step of excluding one or more of the plurality of merchants from the purchasing information presented to the user based on a ranking of predefined business relationships between the one or more of the plurality of merchants and the one of the plurality of business entities (paragraph 84; depended on the limiting factors if the factors on agreement on the buyer), as in claim 24, and presenting different types of products on the order screen for a user to select (paragraphs 61 and 62), and including or not including two or more of the plurality of merchants who sell products of a type selected by the user on the order screen, wherein the

two or more merchants are included or not included based on rankings of their predefined

business relationship with the one of the plurality of business entities (paragraph 88), as in claim

25, as well as the step of presenting one of the two or more merchants in a preferred position on

the order screen based on it having a higher ranking predefined business relationship than the

other ones of the two or more merchants (paragraph 88), as in claim 26, where the order terminal

comprises a personal computer (paragraph 83, the computer which utilizes the graphical user

interface), as in claim 27, and where the one of a plurality of business entities comprises a retail

store (the market to which the buyer is associated), as in claims 28 and 29.

Isaf et al. additionally disclose a potential ranking of the predefined business

relationships include at least two levels (the levels are determined on a hierarchical

permissioning system), as in claim 30, and the step of maintaining data is performed by a service

manager using a table in the database (paragraph 73), as in claim 31, as well as the step of

including or not including a purchasing convenience feature in the purchasing information in

response to a ranking of a predefined business relationship between the one of a plurality of

business entities and the one of the plurality of network connected merchants (paragraph 61), as

in claim 32, and a program storage device (the server; paragraph 83) readable by machine,

tangibly embodying a program of instructions executable by the machine to perform the method

steps of claim 20.

Isaf et al. also disclose a system for ordering products from a plurality of merchants over

a network (20), comprising an order terminal (paragraph 80) connected to the network the order

terminal associated with a business entity (26), a database (PRMS) connected to the network for

storing rankings of business relationships between the business entity and the plurality of

merchants, and an order screen (paragraph 80) connected to the order terminal for presenting

merchant and pricing information to a user for a product, wherein merchants that are included in

the merchant and pricing information are selected according to the rankings of the business

relationships between the business entity and the plurality of merchants (paragraph 84), as in

claim 33.

Isaf et al. further disclose a second order terminal connected to the network, the second

order terminal associated with a second business entity, and a second order screen connected to

the second order terminal for presenting second merchant and pricing information to a user for

the product, wherein merchants that are included in the second merchant and pricing information

are different than the merchants included in the first merchant and pricing information based on

different rankings of the business relationships between the second business entity and the

plurality of merchants (paragraph 84; as the passage refers to the buyer in the plural form, it is

inherent that the same actions would take place as well as the second buyer having a different

ranking then the first buyer), as in claim 34, and where the merchandise and pricing information

excludes merchants based on low rankings of the business relationships between the business

entity and the excluded merchants (paragraph 84; dependent on the limiting factors if the factors

on agreement on the buyer), as in claim 35, and the merchandise and pricing information

includes lower prices for merchants in response to a higher ranking of business relationships

between the business entity and the merchants having lower prices (paragraph 84; dependent on

the limiting factors), as in claim 36.

Isaf et al. additionally disclose the merchandise and pricing information is formatted so that merchants having a higher priority business relationship with the business entity are listed first (paragraph 84; dependent on the limiting factors), as in claim 37, where the order terminal comprises a personal computer (paragraph 83, the computer which utilizes the graphical user interface), as in claim 38, and where the one of a plurality of business entities comprises a retail store (the market to which the buyer is associated), as in claims 39 and 40, and further comprising a service manager for maintaining the database (paragraph 73), as in claim 41, as well as merchants that are excluded from the merchant and pricing information are selected according to the rankings of the business relationships between the business entity and the plurality of merchants (paragraph 84; dependent on the limiting factors if the factors on agreement on the buyer), as in claim 42.

Isaf et al. also disclose a method comprising providing an order terminal associated with a business entity (26) for ordering a product from a user (20) selected merchant over a network that includes a business relationship database (PRMS), the business relationship database including data identifying ranked business relationships between the business entity and a plurality of merchants (paragraph 22), and presenting to the user an order screen on the order terminal, the order screen comprising purchasing information for ordering the product and a subset of the plurality of merchants, the subset including at least one merchant that offers the product for sale, one of which is selected by the user, and excluding at least one other merchant who also offers the product for sale but has a lowest rank as identified in the business relationship database (paragraph 84), as in claim 44.

Response to Arguments

Applicant's arguments with respect to claims 20-44 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. The following patents are cited to further show the state of the art with respect to

communication networks supplying virtual sales agents and merchandise providers:

U.S. Patent Number 5,970,472 to Allsop et al., U.S. Patent Number 5,832,459 to
Cameron et al., U.S. Patent Number 5,758,328 to Giovannoli.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054.

The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell
Examiner
Art Unit 3676

CJB
September 28, 2007